

ORDINANCE NO. 2013-16-304

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, IMPOSING A FIVE (5) YEAR PAVEMENT CUTTING AND EXCAVATION MORATORIUM, AS OUTLINED IN EXHIBIT "A" HERETO; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has initiated a pavement management maintenance program, through its Department of Public Works, and

WHEREAS, the Department of Public Works is recommending, that the City impose a five (5) year moratorium on the cutting and excavation of all new pavement surfaces in the City, subject to certain exceptions, and

WHEREAS, it is being recommended, that if streets have be constructed, reconstructed or paved by the City, these pavement surfaces shall not thereafter be cut or open for a period of five (5) years to maintain the integrity, rideability, and appearance of new street surfaces, and

WHEREAS, the proposed moratorium will provide for exceptions in the case of an emergency, or in the case where based upon approved guidelines the Department of Public Works finds the cutting/excavation permissible, and

WHEREAS, the purpose of the Ordinance is to minimize pavement degradation, maintain structural integrity of street, maintain a smooth riding surface for all modes, and to limit negative visual impact,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. ESTABLISHMENT OF THE MORATORIUM: A five year moratorium is hereby established on the pavement cutting and excavation of services within the City for the next five (5) years in accordance with the guidelines outlined in Exhibit "A" attached hereto.

Section 3. EXEMPTION: The exemptions for the pavement cutting and excavation moratorium are as outlined in Exhibit "A" attached hereto.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 12th DAY OF JUNE, 2013.

PASSED ON SECOND READING ON THE 26th DAY OF JUNE, 2013.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 26th DAY OF JUNE, 2013.

A handwritten signature in black ink, appearing to read "Oliver Gilbert, III", written over a horizontal line.

OLIVER GILBERT, III, MAYOR

ATTEST:



RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY CREW, CITY MANAGER

Moved by: Councilwoman Robinson
Second by: Vice Mayor Davis

VOTE: 4-0

Mayor Oliver Gilbert, III	<u> X </u> (Yes)	_____ (No)
Vice Mayor Lisa Davis	<u> X </u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	_____ (Yes)	_____ (No) (not present)
Councilman David Williams Jr	_____ (Yes)	_____ (No) (not present)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	_____ (No)
Councilman Rodney Harris	<u> X </u> (Yes)	_____ (No)
Councilman Erhabor Ighodaro, Ph.D.	_____ (Yes)	_____ (No) (not present)